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8 Inktomi Corporation

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 NETWORK CACHING TECHNOLOGY,
13 L.L.C.,

14 Plaintiff,

15 v.

16 NOVELL, INC.; VOLERA, INC.;
17 AKAMAI TECHNOLOGIES, INC.;
18 CACHEFLOW, INC.; and INKTOMI
CORPORATION,

19 Defendants.
20

CASE NO. C 01-2079 VRW (BZ)

**NOTICE OF MOTION AND MOTION TO
COMPEL PRODUCTION OF ALL
DOCUMENTS ON PLAINTIFF'S PRIVILEGE
LOG**

Date:

Time:

Judge: Magistrate Judge Bernard Zimmerman

Place: Courtroom G, 15th Floor

21 PLEASE TAKE NOTICE THAT as soon as the matter may be heard in Courtroom G,
22 15th Floor of the San Francisco Division of the United States District Court for the Northern
23 District of California, defendant Inktomi Corporation ("Defendant") will and hereby does move
24 this Court to enter an Order compelling plaintiff, Network Caching Technology, L.L.C. ("NCT"),
25 to produce all documents listed on its privilege log.

26 Defendant makes its motion on the basis that NCT has voluntarily waived the attorney
27 client privilege and work product protection by intentionally producing for tens of thousands of
28 otherwise protected documents covering every subject matter in this case. As a result, NCT has
DOCSSV1:195045.1

1 effected a total subject matter with regard to all attorney-client and work product communications
2 related to the issues in this lawsuit.

3 This motion is based on the notice of motion, the memorandum of points and authorities,
4 the Declaration submitted by Defendant, the complete files and records in this action, all matters
5 of which the Court may take judicial notice, and any and all documentary evidence or oral
6 argument as may be presented in conjunction with the hearing on this motion.

7 Dated: May 31, 2002

Respectfully submitted,

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9 ORRICK, HERRINGTON & SUTCLIFFE LLP

10 /s/ I. Neel Chatterjee /s/

11 I. Neel Chatterjee

12 Attorneys for Defendant Inktomi Corporation
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